

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSIE BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHEL R. NOE, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

## **AGENDA FOR REGULAR COUNCIL MEETING**

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March 5, 2013  
COUNCIL CHAMBERS, CITY HALL  
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE  
10<sup>th</sup> FLOOR CONFERENCE ROOM  
March 4, 2013  
9:00 a.m.

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

***PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.***

### **ROLL CALL**

### **INVOCATION BY POLICE CHAPLAIN LISLE DAVIS**

### **PLEDGE OF ALLEGIANCE**

### **MAYOR'S PROCLAMATIONS**

1. AMERICAN RED CROSS MONTH
2. INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AWARENESS MONTH
3. BRAIN INJURY AWARENESS MONTH
4. WOMEN IN CONSTRUCTION WEEK

### **RECOGNITION**

7<sup>TH</sup> NEIGHBORHOOD LEADERSHIP ACADEMY

### **CALL TO THE PUBLIC – PUBLIC COMMENT**

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at [https://www.elpasotexas.gov/muni\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/muni_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

### **NOTICE**

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.  
30 Minutes total is allotted for speakers.  
Three to five minutes may be allowed for each speaker.

### **NOTICE TO THE PUBLIC**

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

### **CONSENT AGENDA**

#### **1. APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of February 26, 2013 and the Special City Council Meetings of February 21, 2013 and February 26, 2013.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

#### **2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

#### **3. NOTATION OF CAMPAIGN CONTRIBUTIONS:**

For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Steve Ortega on February 7, 2013, in the amount of \$1,100.00 from Tyler Daniels; in the amount of \$500.00 from Isha Rogers Babel; on February 8, 2013, in the amount of \$500.00 from H.L. Enloe; on February 19, 2013, in the amount of \$1,000.00 from Rudy and Bridgette Valdez.  
[Representative Steve Ortega, District 7 (915) 541-4124]]

### **REGULAR AGENDA - INTRODUCTIONS**

#### **4. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.  
Public comments are invited at the date of the scheduled public hearing.**

An Ordinance granting a non-exclusive franchise to "Bin There Dump That," to operate and maintain a solid waste collection and hauler service within the City of El Paso

subject to the terms and conditions described in the ordinance; the penalty as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)**  
 [Environmental Services, Kurt Fenstermacher, (915) 621-6892]

#### **PUBLIC HEARING WILL BE HELD ON MARCH 19, 2013, FOR ITEM 4**

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

#### **REGULAR AGENDA – PUBLIC HEARINGS**

#### **5. CITY DEVELOPMENT & EL PASO WATER UTILITIES:**

- 5A.** An Ordinance amending Title 21 (SmartCode), Chapter 21.30 (New Community Plans), Chapter 21.50 (Building Scale Plans), Chapter 21.70 (Definitions), and Chapter 21.80 (Tables), Section 21.80.240 (Table 16 Special District Standards) of the El Paso City Code to add the Northwest Park Special District and standards for that district, and to clarify the SmartCode provisions. The penalty being as is provided in Chapter 21.60 of the El Paso City Code. **(All Districts)**  
 [City Development, Elizabeth Gibson, (915) 541-4730]
- 5B.** An Ordinance changing the zoning of a 484.7490 acre parcel of land legally describes as a portion of Nellie D. Mundy Survey No. 246; a portion of Section 9, Block 82, Township 1, Texas and Pacific Railway Company Surveys; and a portion of Tract 1, S. J. Larkin Survey No. 269, all being located within the corporate limits of the City of El Paso, El Paso County, Texas from URD (Urban Reserve District) and R-3 (Residential) to SCZ (SmartCode Zone); and changing the zoning of a 1,175.2332 acre parcel of land legally described as all of S. J. Larkin Survey No. 267; a portion of Nellie D. Mundy Survey No. 246; a portion of Tract 1, S. J. Larkin Survey No. 268; and a portion of Tract 1A, S. J. Larkin Survey No. 269, all being located within the corporate limits of the City of El Paso, El Paso County, Texas from URD (Urban Reserve District) to SCZ (SmartCode Zone). The penalty is as provided for in Chapter 21.60 of the El Paso City Code. Property Owner: City of El Paso. PZRZ12-00041 **(District 1)**  
 [City Development, Elizabeth Gibson, (915) 541-4730]
- 5C.** An Ordinance authorizing the City Manager to sign a Fee Simple Determinable Deed Without Warranty to convey approximately 658.2954 acres, located within the City of El Paso, El Paso County Texas, for portions of Nellie D. Mundy Survey No. 246; Portions of Tract 1, S.J. Larkin Survey No. 268; Portions of Tract 1A, S.J. Larkin Survey No. 269; and all of S.J. Larkin Survey No. 267; generally located on both sides of Transmountain Road west of the Franklin Mountains, and East of I-10, and authorizing the City Manager to execute a Contract of Sale, and any other documents necessary to complete the sale to the Texas Parks & Wildlife Department, for inclusion in the Franklin Mountains State Park. The El Paso Water Utilities Public Service Board has declared the land inexpedient to the system. **(District 1)** [El Paso Water Utilities, Lupe Cuellar, (915) 594-5636]
- 5D.** An Ordinance granting Special Permit No. PZST12-00019, to allow for a medical treatment facility on the property described as a portion of Tract 9, 8A, and 11,

Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6297 Strahan Road. Property Owner: Gallego Dream Continues, LLC. PZST12-00019 **(District 1)** [City Development, Michael McElroy, (915) 541-4238]

- 5E. An Ordinance granting Special Permit No. PZST12-00013, to allow for infill development with reduced lot width and cumulative front and rear yard setbacks on the property described as Lot 1 - 13, Block 1, San Angelino Estates, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5701 - 5724 Azzulina Court. Property Owner: Mario Ornelas / ANVIA, LLC. PZST12-00013 **(District 3)** [City Development, Andrew Salloum, (915) 541-4633]
  
- 5F. An Ordinance granting Special Permit No. PZST13-00001, to allow for a small contractor yard on the property described as Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7127 Stiles Drive. Property Owner: Enrique Escobar. PZST13-00001 **(District 3)** [City Development, Andrew Salloum, (915) 541-4633]
  
- 5G. An Ordinance changing the zoning of real property known as Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7127 Stiles Drive. Property Owner: Enrique Escobar. PZRZ12-00039 **(District 3)** [City Development, Andrew Salloum, (915) 541-4633]
  
- 5H. An Ordinance granting Special Permit No. PZST12-00025, to allow for a transitional housing facility on the property described as Lots 11 - 13, Block 273, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1020 Campbell Street. Property Owner: La Posada Home, Inc. PZST12-00025 **(District 8)** [City Development, Andrew Salloum, (915) 541-4633]
  
- 5I. An Ordinance to correct an error in Ordinance No. 17904 which amended Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) of the El Paso City Code to amend Article II (Definitions) through the addition of a definition for Utility Green Space labeled 20.02.1128; renumbering said definition as 20.02.1129; on November 6, 2012, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)** [City Development, Elizabeth Gibson, (915) 541-4730]
  
- 5J. An Ordinance changing the zoning of a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, an Addition to the City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Diana Drive and east of Gateway North Boulevard. Property Owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00031 **(District 4)** [City Development, Andrew Salloum, (915) 541-4633]  
 POSTPONED FROM 01-15-13 AND 02-19-13

- 5K.** An Ordinance vacating a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, City of El Paso, El Paso County, Texas. SURW12-00018. **(District 4)** [City Development, Nathaniel Baker, (915) 541-4192]  
POSTPONED FROM 02-19-13

**6. ENVIRONMENTAL SERVICES / FIRE:**

- 6A.** An Ordinance amending Title 18 (Building and Construction), of the El Paso City Code by repealing Chapter 18.40 (Vacant Buildings) in its entirety and adopting a new Chapter 18.40 (Vacant Buildings) in its place, to reduce the time frame within which a building must register, increase the occupancy requirements, revise the registration and fire protection requirements and provide an adaptive reuse alternative; the penalty being as provided in Section 18.40.130 (Penalty) of the El Paso City Code. **(All Districts)**  
 [Environmental Services, Kurt Fenstermacher, (915) 621-6892]  
 [Fire, Carlos Carmona, (915) 485-5600]
- 6B.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.14 to amend the Miscellaneous Combustible Material Operational Permit language in Section 105 of the International Fire Code; to amend Section 9.52.030.16 to require a Certificate of Occupancy for the issuance of an operational permit; to amend Section 9.52.050.5 to add criteria for miscellaneous combustible materials storage; the penalty as provided in Section 9.52.030.19 (Violation Penalties) of the El Paso City Code. **(All Districts)**  
 [Fire, Carlos Carmona, (915) 485-5600]

**REGULAR AGENDA – OTHER BUSINESS**

**ITEM 7 - RELATED TO THE BALLPARK AND RELOCATION**

**7. CITY MANAGER:**

City Manager's report of current events and issues:

Discussion and presentation on the status and design update of the El Paso Ballpark.  
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

**8. CITY DEVELOPMENT:**

Discussion and action on an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case PHAP12-00049 at 2817 Wheeling Avenue, El Paso, Texas, on January 7, 2013 to deny a certificate of appropriateness application for the referenced property. **(District 2)**  
 [City Development, Providencia Velazquez, (915) 541-4027]

**9. LIBRARY:**

Discussion and action on a Resolution that the City Manager be authorized to approve the Computer Use Policy for the El Paso Public Library, which is in compliance with the Children's Internet Protection Act. **(All Districts)**  
 [Library, Dionne Mack, (915) 543-5413]

**10. MAYOR AND COUNCIL:**

- 10A.** Discussion and action on the security needs of the growing Union Plaza Entertainment District. [Representative Cortney Carlisle Niland, (915) 541-4268]  
POSTPONED FROM 02-26-13
- 10B.** Discussion and action to direct the City Manager to amend the current multifamily incentive policy implemented as a result of Base Realignment and Closure (BRAC) to add units and amend the term of the program.  
[Representative Cortney Carlisle Niland, (915) 541-4268]  
POSTPONED FROM 02-26-13
- 10C.** Discussion and action regarding the appointment of one of the following individuals in the Financial Management category to the Public Service Board as recommended by the Public Service Board Selection Committee:
1. Terri Garcia
  2. Hilton Maddox
  3. David Saucedo II
- (All Districts)** [Mayor John F. Cook, (915) 541-4145]
- 10D.** Discussion and action regarding a Resolution that the City of El Paso hereby reappoints the following board members to the Camino Real Regional Mobility Authority Board for the positions identified below, each of which shall take effect on February 1, 2013:
1. Jim Volk, Position 2, term expiring on February 1, 2015;
  2. Ricardo Dominguez, Jr., Position 4, term expiring on February 1, 2015; and
  3. Susan A. Melendez, Position 6, term expiring on February 1, 2015.
- (All Districts)** [Mayor John F. Cook, (915) 541-4145]

**REGULAR AGENDA – PUBLIC HEARING & OTHER BUSINESS**

**11. CITY ATTORNEY:**

- 11A.** An Ordinance of the City of El Paso, Texas; defining communications that constitute the transaction of official business of the City of El Paso, Texas; clarifying the duties of the Public Information Officer, the agents of the Public Information Officer, the Custodians of Local Governmental Records and the duties of employees, volunteers and officials of the City as those duties relate to the assembly, collection, maintenance and retention of local government records; declaring certain communications are local governmental records pursuant to the Texas Local Government Records Act; and providing an effective date.  
**(All Districts)** [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- 11B.** Discussion and action regarding a Resolution to amend the City of El Paso State Legislative Priorities for the 83<sup>rd</sup> Legislative Session.  
**(All Districts)** [Intergovernmental Affairs Coordinator, Lauren Francis (915) 541-4550]
- 11C.** Discussion and action regarding a letter to Texas Department of Housing and Community Affairs (TDHCA) clarifying that the only project the City of El Paso is supporting for housing tax credits during the current funding cycle is Art Space.  
**(All Districts)** [Intergovernmental Affairs Coordinator, Lauren Francis (915) 541-4550]

**EXECUTIVE SESSION**

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** John Shelby vs. the City of El Paso, et. al., Cause No. EP-12-CV-00200-DCG (551.071)  
[City Attorney's Office, Kenneth Krohn (915) 541-4550]
- EX2.** Carl Starr vs. John Cook, et. al., Cause 2013-DCV0072 (551.071)  
[City Attorney's Office, Kenneth Krohn (915) 541-4550]
- EX3.** City of El Paso vs. Bejorka Trust, et al, Cause No. 95-4295. (551.071)  
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

**NOTICE TO THE PUBLIC:**

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov/>